Application No.: 10/010,915
Filed: December 7, 2001
TC Art Unit: 2144
Confirmation No.: 6110

REMARKS

The foregoing amendment is filed in response to the official action dated April 15, 2005. Reconsideration is respectfully requested.

The status of the claims is as follows:

Claims 1-25 are currently pending.

Claims 1-25 stand rejected.

Claims 1, 13, and 25 have been amended.

The Examiner has rejected claims 1-8, 10-20, and 22-25 under 35 U.S.C. 102(e) as being anticipated by Liu (USP 6,079,020). The Applicant respectfully submits, however, that base claims 1, 13, and 25, as amended, and the claims dependent therefrom, recite subject matter that distinguishes over the art of record.

For example, amended claim 1 recites a distributed method of performing network monitoring that includes the steps of (1) establishing, by an infrastructure management appliance, a secure virtual connection with a remote data center, the infrastructure management appliance being connected to a customer network, the remote data center being connected to a public network, the customer network being connectable to the public network, in which the establishing step includes establishing the secure virtual connection with the remote data center over the public network,

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(2) monitoring, by said infrastructure management appliance, at least one customer resource, the customer resource being connected to the customer network, in which the monitoring step includes monitoring the customer resource over the customer network, and (3) transmitting information obtained through said monitoring of said customer resource to said remote data center over said secure virtual connection. Such a distributed method of performing network monitoring of customer resources on a customer network that includes establishing a secure virtual connection with a remote data center over a public network, is described throughout the instant application, for example, see page 4, line 21, to page 6, line 24, of the application.

In contrast, the Liu reference discloses techniques for managing secure virtual private networks over public data communication infrastructures (see column 1, lines 8-12, of Liu). The official action indicates that Liu teaches establishing a secure virtual connection with a remote data center by an infrastructure management appliance, *i.e.*, a VPN management station **160** (see Fig. 1 of Liu), monitoring at least one customer resource, *i.e.*, a VPN gateway **115**, **125**, **135**, **145**, or **155** (see Fig. 1 of Liu), by the infrastructure management appliance, and transmitting information obtained through the monitoring of the

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FAX. (617) 451-0313

customer resource to the remote data center over the secure virtual connection. The Applicant respectfully submits, however, that the Liu reference neither teaches nor suggests (1) that the infrastructure management appliance (*i.e.*, the VPN management station **160**) is connected to a customer network, (2) that the customer resource (*i.e.*, the VPN gateway **115**, **125**, **135**, **145**, or **155**) is connected to the customer network, and (3) that the infrastructure management appliance (the VPN management station **160**) performs monitoring of the customer resource (the VPN gateway **115**, **125**, **135**, **145**, or **155**) over the customer network, as recited in amended claim 1.

In fact, Liu expressly discloses that the VPN gateways are managed by the VPN management station coupled to the public data network (see column 3, lines 32-34, of Liu), and that the VPN management station **160** controls the VPN gateways **115**, **125**, and **135** through commands and configuration information transmitted to the VPN gateways **115**, **125**, and **135** through the public network **100** (see column 6, lines 25-28, and Fig. 1, of Liu). As explained above, the infrastructure management appliance, which is connected to the customer network, performs monitoring of customer resources not over the public network, but over the *customer* network, as recited in amended claim 1.

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FAX. (617) 451-0313

As described in the instant application, by monitoring at least one customer resource by an infrastructure management appliance over a customer network, establishing a secure virtual connection with a remote data center over a public network, and transmitting information obtained through the resource monitoring to the remote data center over the secure virtual connection, multiple integrated management and reporting applications can be supported *locally within the customer's premises* (see page 5, lines 2-5, of the application). Because such management and reporting applications can be hosted on the customer premises, infrastructure control remains with the customer, thereby reducing dependency on the public Internet (see page 8, lines 21-26, of the application). In contrast, Liu discloses transmitting commands and configuration information generated by the VPN management station over the public network for controlling the VPN gateways (see, *e.g.*, column 3, lines 32-34, column 6, lines 25-28, and Fig. 1, of Liu). Clearly, Liu does not contemplate providing a distributed method of performing network monitoring like that recited in amended claim 1, which can be used to *reduce dependency* on the public network.

Because the cited art of record including the Liu reference does not teach or suggest all of the limitations of amended claim

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1, specifically, an infrastructure management appliance connected to a customer network, a customer resource connected to the customer network, monitoring the customer resource over the customer network by the infrastructure management appliance, and transmitting information obtained through the customer resource monitoring to a remote data center over a secure virtual connection, the Applicant respectfully submits that amended claim 1 and the claims dependent therefrom are not anticipated by the cited art.

For substantially the same reasons as those outlined above with respect to amended claim 1, the Applicant further submits that amended base claims 13 and 25 and the claims dependent therefrom are not anticipated by the cited art.

The Examiner has rejected claims 9 and 21 under 35 U.S.C. 103(a) as being unpatentable over Liu in view of Estberg *et al.* (USP 6,148,337). Specifically, the official action indicates that although the Liu reference fails to specifically teach monitoring customer resources including periodically polling a server system, the Estberg reference discloses a network method similar to that disclosed by Liu which supports a polling routine for periodically retrieving basic network status information (see column 5, lines 62-67, and column 6, lines 1-8, of Estberg). The Applicant

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respectfully submits, however, that the Estberg reference fails to cure the deficiencies of the Liu reference, and therefore the Estberg and Liu references, whether taken alone or in combination as suggested in the official action, do not render claims 9 and 21 obvious.

For example, one problem solved by the subject matter of claim 9, which depends from amended claim 1, relates to reducing dependency on the Internet by allowing network infrastructure control to remain with the customer (see page 4, lines 3-7, of the application). The subject matter of claim 9 solves this problem by monitoring a customer resource via periodic polling of a server system, in which such customer resource monitoring is performed over the customer network.

In contrast, Estberg *et al.* focus on problems relating to monitoring and manipulating the flow of private information on public computer networks (see column 1, lines 7-10, of Estberg *et al.*). Accordingly, the Estberg reference discloses a mid-level manager network information management system that operates to retrieve and store information about subscribers to public networks. (See column 3, lines 11-17, Estberg *et al.* See also Fig. 1 of Estberg *et al.*, which depicts mid-level managers **150** and **160** requesting and receiving information about public network

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FAX. (617) 451-0313

subscribers over service provider public networks **1-2.**). Similarly, Liu focuses on techniques for managing secure virtual private networks over *public* data communication infrastructures (see column 1, lines 8-12, of Liu).

As explained above with reference to the claim rejections under 35 U.S.C. 102, the cited art including Liu does not teach or suggest the limitations of amended claim 1, for example, an infrastructure management appliance connected to a customer network, a customer resource connected to the customer network, and monitoring the customer resource over the customer network by the infrastructure management appliance. Because the Estberg reference discloses the mid-level managers **150** and **180** that request and receive information about public network subscribers over the public networks **1-2** (see Fig. 1 of Estberg *et al.*), the Estberg reference does not cure the deficiencies of the Liu reference, which similarly discloses techniques for managing networks over public communication infrastructures.

In addition, because the Liu and Estberg references address problems that are significantly different from those solved by the subject matter of amended claim 1 and claim 9 dependent therefrom, there is no motivation to combine the Liu and Estberg references to obtain the subject matter of dependent claim 9, as suggested in

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TEL. (617) 542-2290
FAX. (617) 451-0313

the official action. For at least these reasons, the Applicant respectfully submits that the suggested combination of the Liu and Estberg references does not render claim 9 obvious. For substantially the same reasons outlined above with respect to claim 9, the Applicant further submits that the suggested combination of Liu and Estberg *et al.* does not render claim 21 obvious.

In view of the foregoing, it is respectfully submitted that the present application is in a condition for allowance. Early and favorable action is respectfully requested.

The Examiner is encouraged to telephone the undersigned Attorney to discuss any matter that would expedite allowance of

WEINGARTEN, SCHURGIN,
GAGNEBIN & LEBOVICI LLP
TEL. (617) 542-2290
FAX. (617) 451-0313

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the present application.

Respectfully submitted,

VIKRAM PILLAI

By: 
Richard E. Gamache
Registration No. 39,196
Attorney for Applicant

WEINGARTEN, SCHURGIN,
GAGNEBIN & LEBOVICI LLP
Ten Post Office Square
Boston, MA 02109
Telephone: (617) 542-2290
Telecopier: (617) 451-0313

REG/pjd
Enclosure
322185

WEINGARTEN, SCHURGIN,
GAGNEBIN & LEBOVICI LLP
TEL. (617) 542-2290
FAX. (617) 451-0313